

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PATRICIA MONTANINO  
28 Campbell lane  
East Islip, New York 11730

CIVIL ACTION

No. 17-4480

Plaintiff,

v.

SUFFOLK COUNTY BOARD OF ELECTIONS  
700 Yaphank Avenue  
Yaphank, New York 11980

Defendant.

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**AFFIDAVIT IN SUPPORT OF**  
**PLAINTIFF'S MOTION TO**  
**AMEND COMPLAINT**

I, PATRICIA MONTANINO, do hereby affirm the truth of the following statements under the penalty of perjury:

1. I am the Plaintiff in the above-entitled matter and as such, I am familiar with the facts and circumstances of this case.
2. My address is 28 Campbell Lane, East Islip, New York 11730.
3. On or about November of 2012, I was hired and began working for Defendant, Suffolk County Board of Elections, as an Election Clerk.
4. Beginning on or about 2013, another Election Clerk by the name of Kevin O'Hare, began subjecting me to offensive and unwelcoming sexual gestures, sexual touching, and sexual comments at work. For example Mr. O'Hare often attempted to massage my shoulders, which I opposed and made clear that such conduct was not welcomed. Mr. O'Hare made sexually suggestive comments regarding intercourse and referred to me as his wife. On at least one occasion, Mr. O'Hare grabbed the bottom of my breast. Mr. O'Hare also followed me throughout the workday which made me feel uncomfortable and unsafe. I made it

known to Mr. O'Hare that his sexually harassing conduct and comments were completely unwelcomed.

5. From 2014 through the end of my employment, on April 20, 2016, on numerous occasions, I complained to Defendant's management about Mr. O'Hare's sexually harassing behavior. However, my complaints were never properly addressed by Defendant.
6. On or about Spring/Summer of 2015, I complained internally regarding Mr. O'Hare's sexual harassment on multiple occasions to management, including but not limited to my room supervisor Bill Mann, Mark Gallo, and Deputy Commissioner Betty Manzella.
7. On or about August of 2015, I contacted the EEOC regarding the ongoing sexual harassment in the workplace, which to that date had still not been properly addressed by Defendant despite my numerous complaints.
8. On or about September of 2015, shortly after complaining to the EEOC, Defendant was notified about my EEOC complaint and thereafter I was suspended for two (2) days without pay for completely pretextual reasons.
9. On or about September 29, 2015, I submitted a written complaint to management and addressed it to Commissioner Nick LaLotta and supervisor Bill Mann. I specifically complained about Mr. O'Hare's unwelcomed and inappropriate sexual gestures as well as Defendant's failure to properly address the complaints. I also illustrated the retaliation I experienced.
10. On or about January 14, 2016 my supervisor, Mr. Mann told me to "try not to create a lawsuit," and essentially indicated that I should drop the issue.

11. On or about March 4, 2016, I complained of the still ongoing sexual harassment in writing, and reiterated that on several occasions Mr. O'Hare's disgusting, frightening, and illegal conduct continued.
12. On or about March of 2016, I again complained to Deputy Commissioner, Ms. Manzella about the ongoing sexual harassment.
13. Through Spring of 2016 despite my multiple unresolved complaints, Defendant's management continued to improperly investigate and failed to address my complaints. Instead, I was subjected to further harassment, as management attempted to send Mr. O'Hare into the same room as I was working despite knowing of my complaints and the ongoing sexual harassment.
14. On or about April 1, 2016, my complaints had still not been properly investigated or resolved and Mr. Mann advised me that Ms. Manzella said I should either "go to the police or stop complaining"
15. On or about April 3, 2016 as instructed by management, I filed a complaint with the Suffolk County Police Department regarding the workplace sexual harassment.
16. The police report states in part that I was having on-going problems with a suspect at work. I stated the suspect follows me at work and stares at me. The suspect says inappropriate things, including that he wants to f\*\*\* me. The suspect has also made inappropriate kissing gestures to me. The report states I have made numerous complaints to my supervisor and the behavior continued.
17. On or about Friday, April 8, 2016, I was told by a Police Detective with the last name "Hughs," that the Defendant instructed the police to not investigate my complaint about sexual harassment in the workplace.

18. On or about Monday, April 18, 2016, I had a meeting with Ms. Manzella and Jean O'Rourke where I was provided for the first time, with an "official" sexual harassment form to complete. The purpose of the form was for Defendant to finally start a formal investigation despite my numerous previous complaints which dated back over a year. I was told to bring my completed sexual harassment form/paperwork to work on Wednesday April 20, 2016.
19. On or about Tuesday, April 19, 2016, I worked for Defendant for ten (10) hours but was given no breaks or lunch.
20. On or about April 20, 2016, before I arrived to work or had a chance to submit my official harassment form, I was terminated for no apparent reason.
21. I was terminated via telephone call from Mr. Lalota who stated I was terminated effective immediately and that Defendant did not have to provide a reason for the termination.
22. I had no record of disciplinary history and had not been informed of any concerns with my work performance.
23. On or about April 23, 2016 I received a letter from Defendant memorializing my termination with out any alleged reason, cause, or explanation.
24. I believe I was subjected to a hostile work environment and terminated due to my sex and/or complaints regarding sexual harassment.

**WHEREFORE**, I respectfully request that this court grant me leave to amend my complaint to include a claim based on the above facts.

Dated: September 13, 2019

Respectfully Submitted,  
By: /s/ Patricia Montanino  
Patricia Montanino, Plaintiff  
28 Campbell lane  
East Islip, New York 11730